

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 16th day of August, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Tommy Knight,	Mayor
	Vickie Abrego,	Mayor Pro Tempore
	Jay Attaway	Council Member
	Ross McElwee	Council Member
	Phillip Hyatt	Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT:	Reggie Winters,	City Manager
	Allen Lawrence,	City Attorney
	Yvonne Stonebraker	City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT:

STAFF PRESENT:	Rick Kilgore	Fire Chief
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OTHERS PRESENT:	Donna Johnson/GrantWorks, Don & Jeanie Brummett, Terry Stansberry, Sandy Kubek, Jeanne Hunter, Ellie Block, Phil & Nell Reynolds, Steve Wilson, Capt. Tom Doran, Liza Aguilar-Wood/McKibben, Woolsey & Villarreal, LLP, Annette Schonhoeft/VenuWorks, Dan Moore and Jim Mills.
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*There may have been others present who did not sign in.*

**1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on August 16, 2010.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

**3. CONSIDER AND ACT ON APPROVING THE MINUTES OF AUGUST 2, 2010.**

Council Member Attaway made a motion to approve the minutes of August 2, 2010. Council Member Hyatt seconded the motion and the motion carried unanimously.

4. CONSIDER AND ACT ON REQUEST OF GRANT ERICKSON TO VACATE THREE HUNDRED FEET (300') OF HARBOR LEASE 2005-008 LOCATED AT 226 BIGELOW AND TO EXECUTE A MONTH-TO-MONTH LEASE ON THE REMAINING ONE HUNDRED FEET (100') AND FOR THE CITY TO REIMBURSE A PORTION OF HIS ADVANCED RENTAL FEES AND PROVIDE FOR AN EFFECTIVE DATE.

Mayor Knight stated Mr. Grant Erickson had asked to be put on the agenda back in July 2010 concerning this matter. Mayor Knight stated Mr. Erickson had vacated 226 Bigelow in July but needed the one hundred feet (100') of lease for his above ground fuel tanks. He stated Mr. Erickson had planned to move the fuel tanks during the winter months.

Council Member Attaway made a motion to approve the request of Grant Erickson to vacate three hundred feet (300') of Harbor Lease 2005-008 located at 226 Bigelow and to execute a month-to month lease on the remaining one hundred feet (100') and for the City to reimburse a portion of his advanced rental fees and provide for an effective date starting in July 2010. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

5. CONSIDER AND ACT ON RESOLUTION NO. 2010-638 - A RESOLUTION BY THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Council Member Attaway made a motion to approve Resolution No. 2010-638 – A Resolution by the City of Aransas Pass, Texas authorizing the submission of a Texas Community Development Block Grant application to the Texas Department of Rural Affairs for the Community Development Fund, and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in the Texas Community Development Block Grant Program. Council Member Hyatt seconded the motion and the motion carried unanimously.

6. CONSIDER AND ACT ON RESOLUTION NO. 2010-639 - A RESOLUTION BY THE CITY OF ARANSAS PASS, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR THE DISASTER RECOVERY SUPPLEMENTAL (ROUND 2) PROGRAM; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCLUDING EXECUTION OF RELATED INTERGOVERNMENTAL AGREEMENT.

Council Member Attaway made a motion to approve Resolution No. 2010-639 - A Resolution by the City of Aransas Pass, Texas, authorizing the submission of a Texas Community Development Block Grant application to the Texas Department of Rural Affairs for the Disaster Recovery Supplemental (Round 2) Program; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in the Texas

Community Development Block Grant Program including execution of related Intergovernmental Agreement. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

7. **PUBLIC HEARING ON THE REQUEST OF KENDALL GILLUM FOR A CONDITIONAL USE PERMIT FOR A BOAT AND RV STORAGE FACILITY. THE PROPERTY IS DESCRIBED AS 472 X 620 W/2 TRACT 8, LANDBLOCK 1, MCCAMPBELL SUBDIVISION, 5.02 ACRES, WEST WHEELER AVENUE, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

City Attorney Allen Lawrence opened the Public Hearing at 7:14 p.m. on the request of Kendall Gillum for a Conditional Use Permit for a Boat and R.V. Storage Facility. The property is described as 472 X 620 W/2 Tract 8, Landblock 1, McCampbell Subdivision, 5.02 Acres, West Wheeler Avenue, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business district. He stated all proper notices had been given. He stated the Planning and Zoning Commission had met previously on the matter and recommended approval on the request. Mr. Lawrence asked Mr Gillum to speak on this request.

Mr. Gillum could not be present and had Mr. Dan Moore speak on his behalf.

Mr. Moore stated the Boat and R.V. storage facility would have a concrete driveway, wash areas, storage units would be made of steel with a large fence around the facility, a front office and would have living quarters above the front office for the sight manager. He stated Mr. Gillum would start on the project in approximately a year.

The City Attorney asked was there any questions from the Council? He asked was anyone present to speak in opposition of the request? Seeing none he closed the Public Hearing at 7:10 p.m.

8. **CONSIDER AND ACT ON THE REQUEST OF KENDALL GILLUM FOR A CONDITIONAL USE PERMIT FOR A BOAT AND RV STORAGE FACILITY. THE PROPERTY IS DESCRIBED AS 472 X 620 W/2 TRACT 8, LANDBLOCK 1, MCCAMPBELL SUBDIVISION, 5.02 ACRES, WEST WHEELER AVENUE, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

Attorney Allen Lawrence asked Don Brummett (member of the Planning and Zoning Commission) why there wasn't a time period on the Conditional Use Permit.

Mr. Brummett stated by the time he had thought about it, the motion to approve had already been made.

Council Member Attaway made a motion to approve the request of Kendall Gillum for a perpetual Conditional Use Permit for a Boat and RV Storage Facility. The property is described as 472 x 620 W/2 Tract 8, Landblock 1, McCampbell Subdivision, 5.02 Acres, West Wheeler Avenue, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business district.

9. **CONSIDER AND ACT ON APPOINTMENT TO THE PLANNING AND ZONING COMMISSION.**

No action taken.

**10. CONSIDER AND ACT ON SCHEDULING BUDGET WORKSHOP DATES.**

City Manager Winters stated he would like the Council to approve August 18 and 19, 2010 as the budget workshop dates. He stated those dates were off the preliminary budget calendar he presented to the Council at the August 2, 2010 meeting.

Council Member Attaway made a motion to approve August 18 and 19, 2010 as the budget workshop dates. Council Member Hyatt seconded the motion and the motion carried unanimously.

**11. CONSIDER AND ACT ON INCREASING CONN BROWN HARBOR LEASES BY 10%.**

Council Member McElwee asked if the 10% increase on harbor leases affected the new leases.

Council Member Attaway stated yes.

Mayor Pro Tem Abrego made a motion to approve increasing Conn Brown Harbor leases by 10%. Council Member Hyatt seconded the motion and the motion carried unanimously.

**12. CONSIDER AND ACT ON RE-SCHEDULING THE MONDAY, SEPTEMBER 6, 2010 COUNCIL MEETING TO TUESDAY, SEPTEMBER 7, 2010 DUE TO A CITY HOLIDAY.**

Council Member Attaway made a motion to approve re-scheduling the Monday, September 6, 2010 Council meeting to Tuesday, September 7, 2010 due to a City holiday. Council Member Hyatt seconded the motion and the motion carried unanimously.

**13. CONSIDER AND ACT ON RE-NUMBERING ORDINANCE NO. 2010-3970 – (AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS GRANTING A CONDITIONAL USE PERMIT TO AHMAD FARAHNKIAN TO OPERATE A USED CAR LOT AT 1842 W. WHEELER, BEING TRACT 5, BLOCK 207, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, SUBJECT TO CONDITIONS SET FORTH.) TO ORDINANCE NO. 3970A.**

Council Member Hyatt made a motion to approve re-numbering Ordinance No. 2010-3970 – (An Ordinance of the City of Aransas Pass, Texas granting a Conditional Use Permit to Ahmad Farahnkian to operate a used car lot at 1842 W Wheeler, being Tract 5, Block 207, Aransas Pass, San Patricio County, Texas, subject to conditions set forth.) to Ordinance No. 2010-3970A. Council Member Attaway seconded the motion and the motion carried.

**14. REVIEW AND DISCUSS BUDGET REPORTS.**

City Manager Winters stated sales tax was up by \$30,000.

Mayor Knight stated the budget looked good and thanked Mr. Winters for keeping a tight reign on the budget.

**15. CONSIDER AND ACT ON AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE JBS ENVIRONMENTAL CLEAN-UP AND THE LWR ENVIRONMENTAL STUDY.**

City Manager Winters stated the City had received the bond money for these projects and he needed to present Naismith with a Notice to Proceed so Naismith could begin the JBS environmental clean-up and authorizing Naismith not to exceed \$323,000.

Mayor Pro Tem Abrego made a motion to authorize City Manager Winters to proceed with the JBS Environmental clean-up and not to exceed \$323,000 and the LWR environmental study. Council Member Hyatt seconded the motion and the motion carried unanimously.

**16. CITIZENS COMMENTS.**

Fire Chief Rick Kilgore stated on Saturday night the Navigation District had a fire and wanted to thank Harbormaster Earl Buckmaster for the use of his boat. He also wanted to let the Council know Harbormaster Buckmaster had done an excellent job in helping the fire department contain the fire from the waters side and that Harbormaster Buckmaster was fast and efficient.

Mr. Sandy Kubek asked the Council if Mr. Grant Erickson would locate his above ground storage tanks over the site of the JBS environmental clean-up?

Mayor Knight stated no that he (Mr. Erickson) would be moving his above ground fuel tanks across the road from JBS.

Mayor Knight recessed the meeting at 7:25 P.M. to wait for an insurance adjuster, who is joining the council in executive session.

**17. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:55 P.M.

**A. SECTION 551.071 CONSULTATION WITH ATTORNEY – PENDING LITIGATION**

**18. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Regular Meeting at 8:34 P.M.

**A. SECTION 551.071 CONSULTATION WITH ATTORNEY – PENDING LITIGATION**

No Action taken.

**19. ADJOURNMENT OF MEETING.**

Council Member Attaway made a motion to adjourn the meeting. Council Member McElwee seconded the motion and the motion carried.

Mayor Knight adjourned the meeting at 8:35 P.M.

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Tommy Knight, Mayor

ATTEST:

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Yvonne Stonebraker, City Secretary